IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

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ORDER

Before the court is Plaintiff's Motion for Leave to Amend. (Dkt. No. 46). Plaintiff seeks to amend the Complaint to add an additional claim of patent infringement, based upon U.S. Patent No. 6,158,011, (the "'011 patent"). The '011 patent was granted upon a continuation application of U.S. Patent No. 6,061,796 (the "'796 patent"), the patent on which the original Complaint was based. The Second Amended Complaint also contains some additional changes consistent with SSL's P.R. 3-1 disclosure.

The court agrees with Plaintiff that amending the complaint to include the Second Claim for Relief would be more efficient than filing a separate lawsuit because of the commonality with the existing claims for relief. The defendants have failed to show any significant prejudice in allowing Plaintiff to amend its complaint at this early stage in the litigation. The Motion, therefore, is GRANTED.

The court is aware that the Amended Complaint will necessitate amendments to the already served infringement and invalidity contentions required under the local Patent Rules. Plaintiff is to

amend its Disclosure of Asserted Claims and Infringement Contentions as required by Patent Rules 3-1 and 3-2 within 10 days of this order. Defendants are to amend their Invalidity Contentions required by Patent Rules 3-3 and 3-4 within 30 days of receiving Plaintiff's Amended Infringement Contentions.

SIGNED this 19th day of June, 2009.

T. JOHN WA

UNITED STATES DISTRICT JUDGE

John Ward